

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. Varner, et al.

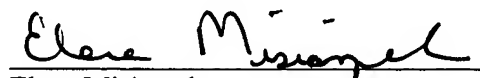
Serial No.: N/A

Filed: Herewith

For: DEVICES FOR INTRACULAR DRUG DELIVERY

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CERTIFICATION UNDER 37 C.F.R. 1.10*

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date **December 19, 2003**, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number **EV 317952573 US** addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.


Elena Misiaszek

.....
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, Applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. X Submitted herewith is a copy of US 2002/0026176, which is the co-pending patent application of the present application.
- b. X Each of the other patents, publications or other information listed on the attached PTO-1449 was previously cited by or submitted to the USPTO in connection with U.S.S.N.: 09/888,092, to which the subject application

claims the benefit of the earlier filing date. As such, a copy of each is not included herewith pursuant to 37 C.F.R. § 1.97(d).

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. ☐ Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- ☐ English translation for reference(s) _____.
 - ☐ English abstract for reference(s):
 - ☐ English translation of search report/ official communication.
 - ☐ Copy of PCT/EPO Search Report.
 - ☐ Partial English translation for reference(s):
- c. ☐ The following additional information is provided for the Examiner's consideration:
- ☐ A copy of EPO Search Report.
 - ☐ A copy of PCT Search Report.
 - ☐ A copy of Official Communication from the _____ Patent Office.
 - ☐ English translation of search report/ official communication.

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)

(check one box)

- a. ☒ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. §

1.97(e)below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. . § 1.17(p).
or
b. _____ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

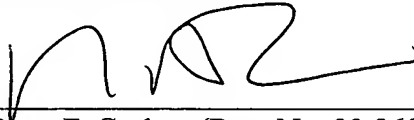
- a. _____ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. _____ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. FEE PAYMENT (check one)

- ___ Enclosed please find a check in the amount of \$180.00 for the above-indicated fee.
- ___ Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee.
- ___ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. 04-1105.

Respectfully submitted,



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EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209
(617) 439-4444

Date: December 19, 2003

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	DOCKET NO: 56086 CON (71699)	SERIAL NO.:
	APPLICANT: Signe Varner, t al.	
	FILING DATE: Herewith	GROUP NO. N/A

UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,395,618	03/07/1995	Darougar et al.	424	427	
	AB	5,551,427	09/03/1996	Altman	128	642	
	AC	5,824,072	10/20/1998	Wong	623	4	
	AD	5,582,616	12/10/1996	Bolduc et al.	606	143	
	AE	4,300,557	11/17/1981	Refojo et al.			
	AF	4,853,224	08/01/1989	Wong			
	AG	5,098,443	03/24/1992	Parel et al.			
	AH	5,164,188	11/17/1992	Wong			
	AI	5,300,114	04/05/1994	Gwon et al.			
	AJ	5,378,475	01/03/1995	Smith et al.			
	AK	5,443,505	08/22/1995	Wong et al.			
	AL	5,466,233	11/14/1995	Weiner et al.			
	AM	5,472,436	12/05/1995	Fremstad			
	AN	5,476,511	12/19/1995	Gwon et al.			
	AO	5,904,144	05/18/1999	Hammang et al.			
	AP	5,928,662	07/27/1999	Philips			
	AQ	5,972,369	10/26/1999	Roorda et al.			
	AR	6,074,661	06/13/2000	Olejnuk et al.			
	AS	5,868,697	02-1999	Richter et al.			
	AT	6,306,125	10-2001	Parker et al.			
	AU	6,251,090	06-2001	Avery et al.			
	AV	5,372,577	12-1994	Ungerleider, Bruce A.			
	AW	2002/002617 6		Varner et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	BA	WO 95/28984	11/02/1995	PCT			English

FORM PTO-1449				DOCKET NO: 56086 CON (71699)		SERIAL NO.:			
INFORMATION DISCLOSURE STATEMENT				APPLICANT: Signe Varner, et al.					
				FILING DATE: Herewith			GROUP NO. N/A		
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)									
	CA	T.J. Smith et al., "Intravitreal Sustained-Release Ganciclovir," Ophthalmol., Vol. 110, 255-258 (1992).							
	CB	G.E. Sanborn, et al., "Sustained-Release Ganciclovir Therapy for Treatment of Cytomegalovirus Retinitis. Use of an Intravitreal Device," Arch. Ophthalmol., Vol. 110, 188-195 (1992).							
	CC	Bolduc et al, Surgical helical fastener with applicator, Jan 31, 2002, U.S. patent Application Publication No. 2002/0013605							
	CD	Copy of International Search Report of International Application No. PCT/US01/20119							
EXAMINER:						DATE:			